

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space either being anticipated or an appendix to Volume XXIII of the Brevier Legislative Reports.]

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 11, 1885.

PAY OF LABORERS.

The SPEAKER: I will call up Senate bill No. 564. This bill was passed yesterday, but afterward I discovered it had been read but twice. I will now be put upon its passage.

The bill [S. 564] to provide for the security and payment of laboring men by corporations, etc., was then passed by yeas 75, nays 0.

RAILWAY FARES.

Mr. COPELAND'S bill [H. R. 415] to regulate railway fares for passengers at three cents per mile was read the third time and passed by yeas 74, nays 3.

The SPEAKER: I vote for the bill but I doubt its constitutionality. It requires railways to carry certain passengers, and I doubt if that can be enforced. However, I shall vote "aye."

Mr. PATTEN: This bill provides that if the railways overcharge, the passenger shall have so much damage; while, as a fact, the money obtained is used to pay the lawyers according to the damage. The bill ought to make a violation of the law a misdemeanor instead of a civil suit; for the reason that the bill says that "any employee" who violates it. A great many employees are financially worthless. Why not make it a criminal offense.

TAXATION.

Mr. FRUIT, from the Committee on Agriculture, reported back without recommendations Mr. Overman's bill [H. R. 427] concerning taxation. It was read the second time and ordered engrossed.

GERMAN AND COLOR IN THE SCHOOLS.

Mr. PASSAGE'S bill [H. R. 150] concerning the teaching of certain branches in the common schools, prohibiting the teaching of German, and prescribing who shall attend, was read a third time.

Mr. HARRELL: This bill says that the schools shall be open to all of every color, and yet it strikes out the colored race. I oppose it on both grounds.

Mr. BEST: There are places in this State where the colored and white children attend the same school and sit in the same seats. I never heard of any being contaminated by it. I am in favor of both colors attending the same school. Anything else is a distinction without a difference. Keeping the schools separate is to have poorer schools for colored children. We passed the Civil Rights bill the other day. Let us see if that is meaningful. The time is coming when we will be broad minded enough and liberal enough to wipe out these color lines. If you make the colored man a competent voter you must commence with the children of the colored people. It is a fact that a distinction is made in the schools against the colored children. The colored men should have their rights under the law.

Mr. FRENCH: No country on earth has so advanced a race as this country has in the colored race. You are always talking about the difference concerning the dealings with the whites and the colored. If there be any it is as much a discrimination against the white as against the colored. The colored race has every advantage. In our country they have just as good an opportunity as the white. They have the superintendent. I have never heard a complaint from them in my town of Mt. Vernon. In New Harmony they attend the school together—these two races. But let that feature in the bill go. Here is this bill that strikes out the colored. In a great many districts is a strong German population where the German language is taught. This bill prohibits the teaching of German, save in the graded schools. Not one in a hundred in these schools ever reach a graded school.

Mr. SMITH of Tippecanoe: The first clause of the 8th article of the constitution has the same meaning of this bill. I am just a broad enough American to want taught in our schools the English language—neither the French, the German, or any other. I see no reason why we should teach the German language and neglect the Dane and the Norwegian. I have it from a County Superintendent that in five townships in this State the English language was not taught at all. Every township must have graded schools. When a man pleads here for the teaching of his mother tongue, some contemptible remark or fling is brought against him. I will not be placed at a disadvantage here, and I strongly recommend, but I mean by American every one who is here for a home. An adopted citizen is as much American as any one.

Mr. BROWNING: I do not see in looking over this that any change is made but in one particular. The law already says that the colored people shall have all the freedom of the schools they want. Here is the law. [Reads.] It merely affects German teaching. If the time comes to discriminate against either the colored or the Germans, I shall discriminate against the Germans, but there is no need of any discrimination against either, and as I am opposed to it, I shall oppose this bill, which proposes to discriminate against the Germans.

Mr. PATTEN: That is the law that discriminates against German children entering public schools. Isn't it a fact that it does not affect their going to the schools, but merely prohibits the teaching of the German language?

Mr. BROWNING: I say that it discriminates against the Germans by prohibiting the teaching of branches they desire to learn. The bill is an indirect attack at the Germans.

Mr. GOODING: I move to recommit the bill to the Committee on Education with instructions to strike out the word "graded" wherever it occurs and insert in lieu the word "common." This amendment would put the bill where we could all vote for it.

Mr. REEVES said that such amendment would put the bill in the same shape as the present law. He moved that the motion to recommit lie on the table.

The motion to lay the motion to recommit on the table was tabled by yeas 42, nays 38.

Mr. HOBAN, explaining his vote, said that he was in favor of the teaching of the English language only in the public schools. He did not oppose the attendance of colored children in the schools. I vote "aye."

Mr. PASSAGE: All gentlemen who speak so much about discrimination against the Germans use it as a shield to vote against the colored men. I vote "aye."

Mr. PATTEN: In 1877 I was trustee of the schools at my home. We had a Democratic school board, and we put the colored children in the public schools. So all of us do not use this German discriminating shield behind as a shield. The law as it now stands does not discriminate against colored children, because they are now in the public schools. This bill, as a fact, makes no discrimination. I believe in the right of all children of every nationality to go to schools. This amendment ought to be tabled, and I vote "aye."

Mr. PENDLETON: Because the law is inoperative: because colored children are not admitted to where they should be. I vote "no."

Mr. TWINEHAM: While I think that the coupling of these two sections is unfortunate, yet I favor it. I think it better that German should not be taught in the common schools,

because in German districts it will make the colored child and neglect the English language. I vote "no."

The bill failed to pass—yeas 32, nays 49.

Pending the roll call—
Mr. PASSAGE (author of this bill) said: The bill does not curtail the rights of the German. It gives equal rights to all.

Mr. BROWNING, explaining his vote, said: Believing this bill makes an unjust discrimination against the German population, I vote "no."

Mr. DEEM, when his name was called, said: For the reason that it will destroy the employment of a large number of colored teachers, I vote "no."

Mr. GOODING: I have made the best effort I could to get this bill in a good shape. I have no desire to do ought to interfere with the Germans, but they should have the right and immunities of the country. The bill says "graded" schools and I preferred it should say "common" schools. This bill denies no teaching of the German language in the schools. For the hope that the Senate will amend the bill, and if not, with the hope that it is a good bill, I vote "aye."

Mr. HOWELL: If the bill becomes a law, it will open different constructions of the statutes and cause litigation, and for that reason I vote "no."

Mr. KELLISON: For the reason that I believe this will be of no good either to the German or colored race: for the reason that I believe that for the well-being of the colored and white races they should be sometimes separated for the reason that there is no discrimination or no separation unless there is a strong race prejudice, which is sometimes the case; and for the reason that I believe it better to let this color line out than to let it in, I vote "no."

Mr. KRUGER: We ask for no protection. We merely ask that the law be let alone. I understand that this law has been drafted by the State Superintendent of Public Instruction. I am sorry to learn this. In my city, which is largely of German population, the Germans pay taxes to educate the English children in the English language, and pay besides to have their children educated in German in private schools. They do not want that interfered with. As to the colored race, they go to our public schools as well.

Mr. LOYD, in explaining his vote, said: I do not believe that colored children are discriminated against. In my country they are not. And in my country the Germans, largely for the reason that they are not, and the law let alone. I vote "no."

Mr. MOODY: If this bill passes it will provide that if German is taught it must be in a graded school. If in a common school, the twenty-five necessary under the present law to have German taught, could not procure it under this bill. I vote "no."

Mr. MURPHY, when his name was called, said: Because the Germans are discriminated against in it, and because the colored people have all our school privileges now, I vote "no."

Mr. MCHENRY explained his vote: This State contains a large number of Germans. I share in the pride of teaching our mother tongue here. But so have the Germans a pride in theirs, and some attention should be paid to that. The colored people want no change in the present law. In deference to my constituency I vote "no."

Mr. McMICHAEL, when his name was called, said: For the reason that no further rights will be given the colored race by this bill, and for the reason that it will curtail the rights of Germans, I vote "no."

Mr. OVERMAN, in explanation of his vote, said: Making this distinction in favor of the Germans is making a distinction against all other nationalities not represented here—Italians, Danes, Norwegians, etc., and as I am opposed to such discrimination I vote "aye."

Mr. PASSAGE: Believing this bill does not discriminate against the Germans, and believing that it will put colored children on an equal level, I vote "aye."

Mr. PENDLETON: I am in favor at all times of the elevation of every race. I hope that the final action on this bill will leave it so that it can be amended. As it is I shall have to vote against it.

Mr. ROBINSON, when his name was called, said: Believing in the broadest liberty and educational equality, I vote "aye."

Mr. SMITH of Tippecanoe: Because this bill detracts nothing from any right of any race, and because it does not affect any graded school; because this law will place all the citizens of this State on an equal equality in the free schools, and because this bill will harmonize the school system, I vote "aye."

Mr. STALEY, explaining, said: Because the Germans do not wish the teaching of the German language in the common schools, but wish to be Americanized, I vote "aye."

Mr. TOWNSEND, in explanation of his vote, said: Gentlemen on this floor have argued that the colored children have equal school privileges with the white race. This supposed fear of discrimination against the German children is a subterfuge to hide behind. I believe that if this bill becomes a law it will enable the colored children to enjoy what the law has undertaken to afford them. Because I do not believe that it discriminates against the Germans, and because I do believe that it will be of benefit to the colored children, I vote "aye."

Mr. GORDON, when his name was called, again called, said: I believe that what is proposed here will come about in the course of events and better than what the law could accomplish; so I vote "no."

The vote was then announced as above. So the bill was rejected.

LIMITING TAXATION.

The bill [S. 11] to limit the amount of taxes that may be levied by the Board of County Commissioners in counties containing voting population of over 25,000, was read the third time.

Mr. PENDLETON: We want relief for the people of Marion County. There was what was thought a limit to taxation here, but subsequent laws were so construed that the County Commissioners thought the statute of limitation had been repealed, and they levied taxes against the county. This bill will limit taxation to 23 per cent. after this year. This year the taxation is allowed to be put at 43 per cent.

The bill passed by yeas 66, nays 0.

AFTERNOON SESSION.

MARKET HOUSE AND CITY HALL.

Mr. SCHMIDT'S bill [H. R. 812] to authorize the city of Indianapolis to build a market house and other public buildings was called up, having been before defeated for want of a constitutional majority.

Mr. PENDLETON: I have a petition of 6,000 people asking for the buildings. A legal opinion says that the city may go ahead and build this structure, but to satisfy all conflicting opinions the law is asked for. The city authorities will furnish a magnificent hall for the capital city of the State. Had we this hall last year we might have had one or both of the national political conventions. This law is asked on the ground that the opinions as to the correctness of the law are given for this purpose may be harmonized. The Committee on the Affairs of the city of Indianapolis and the Judiciary Committee have both reported favorably upon it.

The bill passed—yeas 78, nays 5.

Mr. GOODING explaining his vote said: I am in favor of the bill but have some doubts as to its constitutionality; still I will give the bill the benefit of the doubt. I vote "aye."

Mr. JAMESON, when his name was called,

said that as the authorities had a disposition to build the hall he did not see that it would be proper to antagonize them, and therefore he would vote "aye."

So the bill passed as voted above.

TENTH, TWELFTH AND FORTY-SEVENTH JUDICIAL CIRCUITS.

Mr. WILLIAMS'S bill [H. R. 402] to define the Tenth, Twelfth and Forty-seventh Judicial Circuits was called up again, having been before defeated for want of a constitutional majority, and passed—yeas 69, nays 17.

Mr. OVERMAN, explaining his vote, said that the citizens of the counties affected were willing for the change, he would vote "aye."

SAVINGS ASSOCIATIONS.

Mr. SCHLEY'S bill [H. R. 152] concerning Building and Savings Associations—freeing them from taxation—was read the third time and failed—yeas 50, nays 30—for want of a constitutional majority of 51 votes.

Pending the roll call—
Mr. ENGLISH, explaining his vote, said: It occurs to me that this bill would be a bad law. If it passes it will release these associations from taxation, and a rich person might invest largely in one or in many of them, and thus escape the payment of quite a large tax.

Mr. PATTEN (interposing): He can't hold but \$1,000 in one, and must be a borrower.

Mr. LOYD: Even \$1,000 is too much to escape taxation on, and I vote "no."

Mr. JAMESON, when his name was called, said: For the reason that this bill does not release any one from taxation, but on the contrary releases from double taxation, really, I vote "aye."

Mr. LATTEN: If the members understood this matter, they would not impose a hardship on the stockholders of these associations. They are trying to protect poor men who are trying to build homes. If a man borrows money of them he does it on real estate. He pays taxes on his property and the association has to pay taxes on the mortgage, thus making a double taxation. Therefore I vote "aye."

Mr. SMITH of Tippecanoe: For the reason that this system is an encouragement for men, and that I may not impose a burden upon the men struggling for a home and to release double taxation, I vote "aye."

Mr. STALEY, when his name was called, said: If I were to vote against this bill I could not look a laboring man in the face. For the reason that double taxes are paid on them, and which to release, I vote "aye."

Mr. GORDON: It is true that this does exempt from taxation the laboring man, but it is right to exempt any man from legal taxes? It is a discrimination against one taxpayer and in favor of another. I vote "no."

Mr. HOWELL, in explanation of his vote, said: I do not favor exempting shareholders in this kind of an association any more than I would exempt from taxation shareholders in any other corporation; therefore I vote "no."

Mr. KELLISON: For the reason that I do not believe there is double taxation exacted; for the reason that these associations are not savings banks and property in them can not be listed as money in savings banks, I vote "no."

Mr. MAUK, when his name was called, said: After careful examination of the bill and the law I am constrained to vote "no."

Mr. McMICHAEL, in explaining his vote, said: If a man puts a mortgage on his farm he pays taxes on the farm; and the one holding the mortgage pays taxes on that. This bill proposes a parallel case, and I would as soon vote to exempt the farmer as the shareholder. I vote "no."

The vote was then announced as above. So the bill was defeated.

VACATING COUNTY OFFICES.

Mr. RIVERS'S bill [H. R. 528] concerning the abandonment of county offices, and providing for declaring them vacant, was read the second time and ordered engrossed.

SHAKY BANKS.

Mr. JAMESON'S bill [H. R. 398] making it a felony for any banker to receive deposits when insolvent, and providing punishment, was read the third time and passed by yeas 70, nays 8.

D. R. MUNSON'S CLAIM.

The bill [S. 177] to pay David R. Munson for work done by him for the State was read the third time.

Mr. PENDLETON: This bill is for work done on the Ayman for the Insane. It was before the Legislature two years ago, allowed and put in the specific appropriation bill. It originated this year in the Senate and easily passed that body. Too much time has been wasted already in these claims against the State; the way they are treated, bringing Indiana into disrepute. It will come about that State contractors will put their bids higher in fear that they can not secure their money without tedious delay.

Mr. BROWNING: I think this lightening claim. The fact that the lightening of several years standing convinces me that it is a steal. The charge of \$1 per foot assures me that it is a big steal.

Mr. LOYD: This bill came to us after having been passed upon by a cool and deliberate body. The Senate, I am informed, gave the bill a careful investigation.

Mr. MOODY: I asked Mr. Browning if he ever heard of a man putting a lightning rod on a smoke stack for less than eighty cents per foot. He replied that he never heard of putting rods on smoke stacks. That is what I thought. He was talking of something he knew nothing of. This rod was put on the smoke stack. It was important under the eyes of the State officers, and if there was no rod on it, why did they permit it? The State has no right to use a man's property for eight years and then refuse to pay for it.

Mr. GOODING: I move to recommit this bill to the Committee on Ways and Means, with instructions to report to the Senate Monday. So far as I can learn this claim is just one. We can not refuse to pay an honest debt; we can refuse to make new debts. To recommit this bill will enlighten those who are in the dark. As for myself, I am certain it is just. As it now is some men will refuse to vote for the bill on suspicion. It can do no harm to recommit it.

Mr. WILLIAMS moved to amend that the committee be empowered to send for persons and papers.

The amendment to the motion was agreed to.

Mr. GORDON moved to amend that it be referred to the Committee on Public Expenditures.

This amendment was laid on the table.

The motion (Mr. Gooding's) to recommit to the Ways and Means Committee was agreed to.

MECHANICS' LEIN.

Mr. Kellison's bill [H. R. 314] relative to mechanics' liens was read the second time and ordered engrossed.

THE PRACTICE OF MEDICINE.

The bill [S. 15] to regulate the practice of medicine was read the third time.

Mr. McHENRY: The State of Indiana has been made a central point to which have gathered all the reform physicians and quacks from everywhere. They are demanding at once some kind of legislation. It is too late in the nineteenth century to talk about good physicians going from one place to another without a graduation certificate. There is no prescribed legal qualification now for a physician. Under this bill the attendance on a term of lectures is made a qualification, and this is better than nothing. This

bill should be passed to elevate the profession and to protect the people.

Mr. MAUK: This bill gives some protection to the quack doctors; that is all there is to it. Some member of a medical college junior class who may have dabbled around and then practiced three years in some out of the way place comes up to the requirements of the case.

Mr. LOYD: As Democrats we are opposed to any scheme that comes under class legislation. If this bill becomes a law a great many worthy, practicing physicians in the State would be thrown out, because they have not attended some high-toned medical college. This bill is the outgrowth of a bitter contest between two medical colleges. We can't afford to take up this fight. Physicians of my county say that the bill should not pass.

Mr. ADAMS: I have been besieged by physicians of my county regarding this bill. I believe this matter will in time regulate itself. If my neighbor has a physician who I should take such a physician away from him. If a man has practiced for ten years he may continue without molestation—graduation or no graduation; if a man has been quacking for ten years he may under this bill continue to quack. A physician may well practice without a license as a lawyer may. There are many pettifoggers in the legal profession, and I do not care to have lawyers who have no certificate of graduation licensed. All men who graduate as physicians are not competent, and all persons suffering from a disease are not competent. No man not a doctor is favoring this bill.

Mr. FRANKLIN thought the bill should not pass, as the people did not want it.

Mr. KELLISON: The people do not want this bill. It is a boy of a wrong among physicians. This bill proposes to license three kinds of doctors—one who makes affidavit that he is a graduate of a respectable medical college. Who is to decide this? Why the people that decide the affidavit; and the Clerk is compelled to accept it. The man who would practice on the diploma of a bogus college would commit perjury. There are but three classes of persons in Indiana who are compelled to procure a license as to respectability and the like. They are the school-teacher, the saloon-keeper and the lawyer. To license a quack—and a quack to get a license—would be to put him on a level with reputable physicians. Another class of physicians under this bill is the man who has practiced ten years. Yet some are never competent in spite of experience. This bill will cut off the traveling specialists, some of whom have the finest educations, I believe the people are capable of deciding who they shall employ.

Mr. PASSAGE demanded the previous question.

The House seconded the demand, and under its operations the bill was defeated by yeas 56, nays 43.

Pending the roll call—
Mr. BARNY, explaining his vote, said: For the reason that my constituents demand it I vote "aye."

Mr. BEST, when his name was called, said: As there seems to be a demand for it I vote "aye."

Mr. BOYD, in explanation, said: As the physician, like the Representatives, disagree upon this bill, I vote "no."

Mr. BROWNING, when his name was called, said: I believe in protection to the people, but I am told that this is no protection to the people, so I vote "no."

Mr. COPELAND, in explanation of his vote, said: Believing the bill incomplete I vote "no."

Mr. DEEM: Believing that the true physician can not be manufactured to order by one home medical college; believing that it is nobody's business where or how a man gets his knowledge and skill as a practitioner, and believing further that this bill is in the interest of college dukes as against old and experienced members of the medical profession, I vote "no."

Mr. GORRISON: Because I do not believe the people of Indiana ask legislation on this subject, I vote "no."

Mr. HELMS: Being opposed to class legislation, and knowing that men have the right to the employment of physicians, I vote "no."

Mr. HOBAN, when his name was called, said: I find that the physicians disagree on this point, but I believe in protection to the physician. I vote "aye."

Mr. KRUGER: As I stand in with the tombstone man, and as I have a brother section of a graveyard, and being anxious to help him, I will, if not ruled out on the ground of having an interest in the case, vote "aye."

Mr. OSBORN, when his name was called, said: From the fact that I think this an unjust discrimination against certain worthy persons, I vote "no."

Mr. OVERMAN: Not as to my personal views, but as to the wisdom of the bill, nine out of 100 of my constituents, I vote "no."

Mr. STALEY: Other States have medical laws, and as I do not wish Indiana to be the great dumping ground for quacks I vote "aye."

The vote was then announced as above. So the bill was defeated.

A Voice From Italy.

Rev. W. B. Van Meter, Superintendent of the Italian Bible and Sunday-School Mission at Rome, Italy, writes under date of September 1884: "The Italians call Pond's Extract 'Aqua di Dio.' Water of God. We use it for every ache and pain; it is indispensable in our medical department. I knew it was good before, but now I can find words to express my praise of its excellence. It is invaluable for cuts, burns, bruises, catarrh, neuralgia, etc."

Real Estate Transfers.

The following deeds were recorded Wednesday March 11, as reported by Steeg & Bernauer, Abstractors, 12 and 15 Thorpe Block, Telephone 1,045:

James R. East and wife to Bridget Dougan, warranty deed to lot 15 in Valen's subdivision of block 11 in the Holmes west end addition to the town of Indianapolis, \$200 00

Franklin S. East and wife to Ann J. Miller and husband, warranty deed to lot 44 in Wiley and Martin's subdivision of block 11 in the Holmes west end addition to the town of Indianapolis, \$1,700 00

Sarah J. Dell and husband to George W. Franks, warranty deed to lot 12 in McCarty's subdivision of block 11 in the Holmes west end addition to the town of Indianapolis, \$3,300 00

Henry Day, guardian, to Wenzel Kantzky, guardian's deed to part of the west half of the northwest quarter of section 16, township 15, north of range 3 east containing 128.10 acres, \$500 00

Alfred L. Smith and wife to Mary Cooper, warranty deed to lot 12 in McCarty's first west side addition to the city of Indianapolis, \$200 00

August C. Volz to George W. Franks, warranty deed to lot 27 in Harvey Bates' subdivision of part of section 30 in the city of Indianapolis, \$1,200 00

Conveyances, 6; consideration, \$7,100 00

Catarrh

Is a very prevalent and exceedingly disagreeable disease. If neglected, it develops into serious consumption. Being a constitutional disease, it requires a constitutional remedy like Hood's Sarsaparilla, which acting through the blood, reaches every part of the system, effecting a radical and permanent cure of catarrh in even its most severe forms. Made only by C. J. Hood & Co., Lowell, Mass.

NO POISON

IN THE PASTRY

IF



DR. PRICE'S SPECIAL FLAVORING EXTRACTS ARE USED.

Vanilla, Lemon, Orange, etc., flavor Cakes, Creams, Puddings, etc., as delicately and naturally as the fruit from which they are made.

FOR STRENGTH AND TRUE FRUIT FLAVOR THEY STAND ALONE.

PREPARED BY THE Price Baking Powder Co., Chicago, Ill. MAKERS OF St. Louis, Mo. Dr. Price's Cream Baking Powder

Dr. Price's Lupulin Yeast Gems, Best Dry Malt Yeast, FOR SALE BY ALL GROCERIES. WE MAKE BUT ONE QUALITY.

What's a Miracle to some people is really only the result of the use of knowledge and common-sense. Many RHEUMATISM and NEURALGIA hesitate about taking a remedy fearing it will not help them, and they doubt whether it really did so much for others as is claimed.

This is not the way Mr. C. R. Bruner of Urbana, Ohio, did. He writes: "ATHLOPHOROS is the best I ever tried. I was down in bed so bad that I had to be turned on my side, and so I got a bottle of Athlophoros and began taking it at once, and I was cured in a few days. My wife and I both took four doses of it, and I got out of bed myself. I walked out to breakfast without any aid. IT IS WORTH ITS WEIGHT IN GOLD."

ATHLOPHOROS CO. 112 WALL ST. NEW YORK

Is not a miraculous thing, but it